

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2001-285-T - ORDER NO. 2003-687

NOVEMBER 26, 2003

IN RE:	Application of Rev. Herbert Godwin d/b/a	)	ORDER
	Godwin's Transportation, Post Office Box	)	REINSTATING
	871, Lake City, SC 29560 (District 6), to	)	CERTIFICATE
	Reinstate Class C Charter Certificate of Public	)	
	Convenience and Necessity No. 7125-A.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of an Application filed by Rev. Herbert Godwin d/b/a Godwin's Transportation ("Applicant" or "Godwin's") to reinstate Class C Charter Certificate of Public Convenience and Necessity No. 7125-A ("Certificate"). Certificate No. 7125-A was issued to Godwin's by Commission Order No. 2001-736, dated August 14, 2001. Order No. 2001-736 amended the Applicant's original Certificate by a change in the passenger restriction appearing on such Certificate. Original certification for authority to render motor passenger service was granted in Order No. 2001-639, dated July 3, 2001.

By Commission Order No. 2003-525, dated September 23, 2003, issued in Docket No. 2003-248-T, a Rule to Show Cause Hearing was set for holders of Certificates of Public Convenience and Necessity that had failed to pay fees for licenses and had failed to comply with the statutes governing operations of Motor Vehicle Carriers in South Carolina. The holders of Certificates of Public Convenience and Necessity addressed in Order No. 2003-525 were given thirty (30) days from the date of receipt of the Order to respond to the allegations of their failure to comply with the requirements stated above.

The record reflects that Godwin's was a respondent to the Rule to Show Cause for non-payment of license fees.

For those motor carriers who had not responded to the prior notifications of noncompliance, a public hearing regarding this matter was held on Thursday, October 30, 2003, at 2:30 p.m. The Commission found that Certificates of Public Convenience and Necessity held by certain carriers should be revoked and cancelled for their continued, willful violation by these carriers of the Commission's Rules and Regulations and/or the South Carolina statutes governing Motor Vehicle Carriers [S.C. Code Ann. Section 58-23-10 et. seq. (1976)], with the specific violation being the failure to pay license fees as required. Accordingly, the Commission issued Order No. 2003-665, dated November 5, 2003, which cancelled Godwin's Certificate No. 7125-A.

Subsequently, by letter received November 19, 2003, Godwin's requested that the Certificate in question be reinstated.

The Commission is of the opinion, and so finds, that the above-mentioned Certificate should be reinstated, subject to compliance with all applicable statutes and the Commission's Rules and Regulations.

IT IS THEREFORE ORDERED:

1. That Certificate of Public Convenience and Necessity No. 7125-A held by Rev. Herbert Godwin d/b/a Godwin's Transportation be, and hereby is, reinstated, subject to compliance with all Commission Rules and Regulations within sixty (60) days of the date of this Order.


2. That all operating rights authorized under the Certificate held are hereby reinstated, subject to compliance with all applicable statutes and the Commission's Rules and Regulations within sixty (60) days of the date of this Order.

3. That prior to compliance with the applicable statutes and the Commission's Rules and Regulations, including the requirements of filing proof of insurance and the payment of any license fees, the motor carrier services authorized by the Certificate shall not be provided.

4. That the failure of the Applicant to either (1) complete the certification process by complying with the requirements of filing with the Commission proof of appropriate insurance and the payment of license fees and such other information required by law within sixty (60) days of the date of this Order or (2) request and obtain from the Commission additional time to comply with the requirements stated above, shall result in the authorization approved in this Order being revoked.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
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Mignon L. Clyburn, Chairman

ATTEST

  
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Bruce F. Duke, Executive Director

(SEAL)